

## **PLANNING COMMISSION MEETING**

**October 20, 1999**

**CALL TO ORDER:**

Chairman Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:**

Present were Chairman Dan Maks; Planning Commissioners Vlad Voytilla, Charles Heckman, and Tom Wolch. Commissioners Sharon Dunham, Eric Johansen and Donald Kirby were excused.

Staff was represented by Associate Planner Colin Cooper, Associate Planner Veronica Smith, Assistant City Attorney Ted Naemura, and Recording Secretary Cheryl Gonzales.

### **VISITORS**

There were no visitors wishing to address non-agenda issues or items.

### **OLD BUSINESS**

### **CONTINUANCE:**

**A. SV980001 - FIRST BAPTIST STREET VACATION**

*(Request for indefinite continuance)*

Request to vacate a public right-of-way between properties owned by the First Baptist Church of Beaverton at 5755 SW Erickson Avenue. The applicant requests to vacate the unnamed roadway of approximately 540 lineal feet by a width of 25 feet. The site is within the R-7 zone. The site is located on the west side of SW Erickson, north of SW Allen Boulevard and south of SW Berthold, and is approximately 4.03 acres in size. Map 1S1-16DC; Tax Lots 4700, 4800 & 4803.

In response to Chairman Maks' questions Mr. Cooper reported the church officials are still discussing their expansion plans and they have not finalized all aspects, thus their request for an indefinite continuance. When and if they do come back with all necessary requests, all actions would be renoticed together.

Commissioner Heckman asked if that would require a new application and fees? Mr. Cooper responded that the other application was a separate conditional use permit.

### **NEW BUSINESS**

A. **CPA99-00019/RZ99-00010 - C.E. JOHN MILLIKAN WAY PROPERTY  
COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE**

This proposal is to add Tax Lots 510 & 800; Map 1S1-0900 to the City of Beaverton Plan and Zoning Map and reassign the Washington County Industrial Plan and Zoning Map designations to the City of Beaverton's Campus Industrial Comprehensive Plan designation and Campus Industrial Zoning District. The site is located in the northwest corner of Murray Blvd. and a portion of the Millikan Way right-of-way. The site is within the IND (Washington County) zone and is approximately 10.5 acres in size.

Chairman Maks asked if any members wished to declare an ex parte contact or conflicts of interest with regard to the request - hearing none, he asked for challenges or continuances. Hearing none the public hearing began with the Staff Report.

Ms. Veronica Smith, Associate Planner for Policy Division, stated the request was to add to the City comprehensive plan map designation and zoning map for tax lots 800 and 510 of 1S1 0900. These parcels are 8.81 acres and 1.63 acres in size. The request was to rezone them in compliance with Washington County's UPAA agreement with industrial lands, reclassifying them as Campus Industrial. This request for Campus Industrial was based on the property owner, C. E. John's request.

**CHRISTE WHITE**, 101 SW Main Street, Suite 1100, Portland, OR 97213, stated she was an attorney representing C.E. John and was available for any questions and was in support of the Staff Report.

Chairman Maks asked for any final comments from staff or City Attorney, and having none, he closed that portion of the hearing.

Commissioner Heckman stated that the request conformed to the UPAA and the Comprehensive Plan and welcomed them to the City.

Commissioner Wolch stated this seemed like an administrative action and would support a motion to approve.

Commissioner Voytilla said he agreed with his fellow Commissioners.

Chairman Maks also supported the application and welcomed this property into the City of Beaverton.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to approve CPA99-00019, C.E. John Millikan Way Property Comprehensive Plan Amendment, subject to the findings and facts outlined in the Staff Report dated October 20, 1999.

The question was called and the motion CARRIED unanimously.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to approve RZ99-00010, C.E. John Millikan Way Property Rezone, subject to the Staff Report, of findings and facts outlined in the Staff Report dated September 20, 1999.

The question was called and the motion CARRIED unanimously.

**B. CUP99-00009 - PGE SUBSTATION**

A request by PGE for a public hearing to allow the Planning Commission to reconsider a condition of approval that required that the applicant reduce the number of parking spaces proposed on the site plan to include no more than 32 parking spaces. The applicant is requesting that the Planning Commission allow as many as 43 parking spaces. Map 1S1-32DA, Tax Lot 300 & 700.

Chairman Maks asked if any members wished to declare an ex parte contact or conflicts of interest with regard to the request - hearing none, he asked for challenges or continuances. Hearing none, the public hearing began with the Staff Report.

There were no videos of the site, no visitors to the site, no ex parte contact from a visitor and no one wished to challenge the rights of any member of the Commission to participate in the action based on their site visit.

Mr. Colin Cooper, Associate Planner, had not prepared a new Staff Report but rather a memo dated October 13, 1999, and had an attached October 1, 1999, memo from the applicant. Both reviewed the background of the condition that the applicant was asking reconsideration for. Included was the planning director determination for a minimum amount of parking for the light industrial zone. He also distributed a memo dated October 20, 1999 from the applicant's attorney, Larry Epstein, which added evidence in the form of a parking study. Staff believed the applicant has provided ample evidence that the condition should be reconsidered and that the 44 spaces originally requested should be approved.

Chairman Maks asked about inconsistent CUP numbers. Mr. Cooper replied there have been glitches in the new computer system but believed the number was supposed to have nine digits total.

Chairman Maks asked if there were questions with regard to the memorandum.

Commissioner Heckman asked if there was a particular format to go through on how to reopen, because that particular CUP had been closed, the land use order had been issued.

In response, Mr. Cooper stated the land use order had not been signed or issued so a public hearing was re-noticed under Oregon state law and the Development Code. Commissioner Heckman thought it had been signed. Mr. Cooper stated that they had had a very timely response from the applicant; they wanted a reconsideration. Staff could then re-work the proposition either to reconsider, the way they did; or to sign the land use order.

Commissioner Wolch stated he did not have the previous Staff Report when reviewing this matter and wondered what the language was that they had originally approved. Chairman Maks responded that the condition had originally indicated parking places and the additional land was shown on the site plan was to be landscaped to a specific percentage. The issue now concerned a maximum number. Chairman Maks said this was a perfect example of why Commissioners needed to have the opportunity to talk to the City Attorney with regard to the bylaws and consideration of condition issues.

**APPLICANT:**

**LARRY EPSTEIN** 109 SW Oak St. #200, Portland, OR 97204, stated the Commission was in possession of his two letters of October 1, and 20, 1999. Mr. Epstein stated they provided the findings necessary to modify the decision to allow the 44 parking spaces. He was asking for approval of that request.

Commissioner Heckman questioned why they were lead to believe that 32 was sufficient and then suddenly 44 was the minimum. Mr. Epstein responded they were not prepared to address the issue previously, partly because it had not been raised in the Staff Report and it had really just been raised by the Commissioners. In an effort to be helpful, they had just gone with the flow. Unfortunately, they did not have the data to back it up and in checking they found they were wrong, and they needed to correct the error.

Mr. Naemura stated that the land use order document would now reflect not just findings and criteria from the Staff Report, but also from the statements of the applicant represented in letters dated October 1 and 20, 1999. He made the observation that they had new material on which the Commission's findings would ultimately be based.

Chairman Maks closed the public hearing.

Commissioner Heckman stated that Mr. Epstein's letter contained information that made it obvious that they do need more than 32 parking places; however, he wished that the 44 had come forward at that time. He would also have liked to have seen the bylaws modified so that it could have been handled internally.

Commissioner Wolch echoed the comments of Commissioner Heckman and stated he would support a motion to approve.

Commissioner Voytilla also would support a motion to approve.

Chairman Maks also stated he would support it, and that if it had been worded as minimum instead of a maximum it would have worked.

Commissioner Heckman asked about the language being a minimum of 44 spaces. Chairman Maks responded it would be 44 spaces like the original proposal.

Commissioner Heckman MOVED and Commissioner Wolch SECONDED a motion to approve CUP99-00009, in view of the Staff Report of September 23, 1999, the memorandum dated October 13, 1999 and the two letters from Mr. Epstein dated October 1 and 20, 1999, indicating the correction and need for 44 parking spaces, and let the land use order show that there shall be provided 44 parking spaces.

The question was called and the motion CARRIED unanimously.

C. **CUP 99004 GRAMOR SERVICE STATION**

Request for a Conditional Use Permit approval for a Chevron Service Station at the previously approved CUP99003 Gramor Murray Scholls Development. The proposed service station occupies approximately .36 of an acre at the southwestern corner of the 21-acre site located at the northwest corner of SW Murray Boulevard and SW Scholls Ferry Road. A CUP approval is required to allow minor automotive services, which includes service stations, in the Town Center-Sub Regional zoning district. The proposed access points were also previously approved through CUP99003, one on SW Murray Boulevard, and three on SW Scholls Ferry Road. The service station proposal is on Tax Lot 800 of Assessor's Map 1S1-32DA, and is zoned Town Center – Sub Regional (TC-SR)

Chairman Maks asked if any members wished to declare an ex parte contact or conflicts of interest on the following request or for any reason disqualify themselves from participation - hearing none, he asked for challenges or continuances. Hearing none the public hearing began with the Staff Report.

Mr. Colin Cooper, Associate Planner, stated that the proposal CUP 99004 was for a conditional use permit for an auto service minor; in this case specifically, a six pump island auto service station and an associated convenience store or food mart. The item that was before the Commission was integral to the larger CUP and PUD that has been seen before, but because of timing reasons, the application was not brought forth simultaneously to the earlier decision. Mr. Cooper requested an opportunity to make some corrections which were to be made a matter of record and he recommended that the motion maker, in the event the Commission approved the proposal, that the Commission adopt it as amended.

Corrections began with page 16, under 7, under Discussion, the first sentence, delete the word "width" between "site" and "that". Page 17, under Policies 3.5.8.1, where all commercial designations, insert the word "not" in the second sentence under Discussion; language would be "proposed conditional permit will not change this condition." Page 18, under H, Discussion, in the sentence describing the location of the Bonneville Power and PGE utility right of way, delete the word "north", reinsert the word "west" between the words "the" and "and". Continuing to the top of page 19, the last sentence of the first paragraph, last word; replace the last word, "they mitigate the views from the south." On page 22, under D, Discussion, second paragraph, second sentence, insert the word "and" between the words "street" and "one". Page 23, under H, under Discussion, first sentence, delete the word "abut" and insert the word "the abutting". Page 24, Discussion, first paragraph, the sentence beginning "specifically planning condition 90 degree parking" delete the words "would only" and insert the word "only" between the word "allowed" and "on". Page 27, under the word "west", the third sentence "the applicant is", delete the word "is" and the next word is "proposal", delete the word "proposal", insert "proposals". Page 28, under functional characteristics, traffic; under traffic there is one paragraph, last sentence should continue to read "and required to place median to restrict left turn access". Page 30, under recommended conditions of approval, condition #4, "service station food mart shop shall be constructed in conformance" insert the word "with".

Mr. Cooper pointed out that Exhibit #4 should be Facilities Review, and Exhibit #5 was a letter from Kevin Bross. Exhibit #6 was from Lesley Crandall-Bross and those are actually referenced on page 5 of the report as exhibits 7 and 8. Those letters had been distributed to the Board of Design Review.

This site was considered part of the overall mixed use commercial center that had been previously approved. He stated the traffic planning staff had taken another look. The site plans reflected the intersection requirements, that there be access control within 40 feet of all internal inspections. The parking had been removed from the north side of the convenience store. Also, the buffering and screening implemented for the service station which had been approved previously by the larger CUP hearing; was primarily, an 8 foot high masonry wall along the west property line with Hogan Cedars.

Key considerations were noise and general lighting. The Board of Design Review had a standard of 35 foot candles. They had worked with Chevron to reduce the foot candles underneath the canopy from their normal standard only by 5 foot candles. Their normal is 40 or greater. Secondly, Chevron had been asked to flush mount not only the actual fixture but also the lens to prevent light scatter but still maintain a functional, safe site.

The other key item was hours of operation. The staff had not made specific recommendations regarding hours of operation. Evening hours did not present significantly large numbers based upon conversations with Chevron.

Chairman Maks asked about leeway, what could they do under a conditional use permit? Mr. Cooper responded there was leeway. Chairman Maks asked if there questions for the staff.

Commissioner Heckman asked Mr. Cooper if he had any recollection of what the conditions for hours of operation were for the last two gas stations they had done.

Mr. Cooper said that two stations were on Walker. Chevron was open from 6 a.m. to either 11 or 12 midnight. Truax was 6 a.m. to midnight. The Truax station had wanted to be 24 hour.

Mr. Cooper responded that seven parking places are proposed, the range is between 6 and 11, based on a 3.1 to 5.1 per 1,000 square feet of store. They had allowed for stacking at the pump island; there being one car at the pump island and one additional vehicle behind it, in all locations to be sure of safe circulation.

Chairman Maks noted that on page 8 on the applicant's statement, under hours of operation and number of employees, they stated they would have two employees on site during slower periods and up to five employees during peak hours. He questioned whether there would be a parking crunch with five employees driving, how many would be left. Mr. Cooper responded that the station was sitting in a large parking field and there would be shared parking available.

Chairman Maks said his question was to the applicant asking who was in charge of the parking and would they have the employees use the back lot. Mr. Cooper said he thought the applicant would explain that was the intention.

#### **APPLICANT:**

**MATT GRADY** 9895 SE Sunnyside Rd. Ste. B, Clackamas, OR 97015 with Gramor, Oregon Inc. He had a team of people with him to help answer questions. Howard Kimura representing RHL Design, the primary architect for Chevron Corporation; Yolanda Byeman

from Chevron, Steven Topp, who assisted in technical writing, and Mr. Able. They had reviewed the Staff Report and conditions of approval. Mr. Grady stated they had worked hard to try to satisfy mixed concerns about impact from noise and lighting, particularly on the west end side. The outcome was a brick wall to deflect noise and a double row of Hogan Cedars to help buffer noise. Another concern was to conform internal intersections to 40 feet from all intersections. On the site plan they had stretched a section of the median down to 40 feet from the intersection. They had also stretched the median down to the sidewalk. On the overall CUP PUD application, they had removed all the parking which was on the south side of the road and routed it inside.

**HOWARD KIMURA**, RHL Design Group 1550 140TH Ave. NE Ste. 100, Bellevue, WA, 98005, stated they were in agreement with the staff findings and wanted to address the issues of lighting and noise.

Regarding noise, he talked about the brick wall and cedars for an acoustical buffer and visual aesthetics for the residential areas on the west. To the south, they had a row of Japanese holly, low shrubs and Sunset Maples which were tall trees with a nice canopy in hopes that they would provide a nice buffer not only from the street, but also the residential areas in the south.

Regarding circulation on site, a tanker truck would come in off Scholls Ferry, go around behind the building and refuel underground storage tanks, as illustrated on a map. The design was to enable the 75 foot long truck and trailer to come in and drop fuel without creating traffic backups.

In terms of noise levels, there was a 55 decibel rating in the day time, 50 at night. They felt comfortable that the wall would help insulate the neighbors on the west side. On the north side, building #4 was a buffer, another building would act as a buffer for the east. These initiatives were taken to so as to address noise issues, be good neighbors and have compatible use of the area.

In terms of lighting, they had a 38 x 85 foot canopy, the 40 foot candles plus have been reduced down to 35 feet and utilize special light fixtures and lamps to reduce the wattage. A recessed lens was being used to reduce glare from passers by. To the west side of the canopy, there would be a Chevron logo, also on the east side. The one side would not be illuminated because of the residential areas on the west.

Regarding the hours of operations, Chevron prefers 24 hours of operation to meet customers needs.

Regarding parking requirements, seven parking stalls were planned. Employees would park in the back area, bike parking would be on the north side.

Circulation issues had been ironed out, even the 40 foot minimum condition for approval. Their recommendations as design consultants showed a large vehicle making a 30 foot radius turn would go into the median. This was not an ideal radius, but they had made the concession to conform to that requirement. Their preference was to have it open at least 30 to 35 feet wide.

Mr. Grady clarified for the record that with shared parking, there would not be parking right out in front. The tanker trucks would also turn off the trucks when refueling, and were not allowed to back up. There would be no back up beeping noises.

Commissioner Voytilla asked about the height of the cedar trees. Mr. Grady responded they would be planted in at least 12 feet. Commissioner Voytilla then asked about building #4 and what the proposed uses for it would be. Mr. Grady answered that a pizza place desired the corner. He was not aware of other tenants, possibly a Postal Annex, Hallmark or cleaners.

Commissioner Voytilla expressed concern about traffic. Given the relatively few gas stations in the area, he had keen familiarity with other stations in the area such as the one on Murray where traffic backed up into travel lanes. He was concerned that it would only take a couple of cars behind the island before it would back up onto the access lane on Scholls Ferry Road.

**YOLAND A. BYEMAN** 14711 NE 29th Place Ste 100, Bellevue, WA, 98007, stated that she was representing Chevron and was familiar with the intersection Commissioner Voytilla referred to at Murray and Allen. She said they had enough space between the dispensers; and if there were cars parked on each side, there was room to go between the two. Commissioner Voytilla was concerned about cars waiting in line for fuel. Ms. Byeman responded they had enough back, and stacking capabilities.

Mr. Kimura added that Chevron facility designs were based on number of gallons sold per month and projections there of. He said Ms. Byeman could project that 6 mps would be enough, by calculating gallons per month based on demographics and the traffic up front, and the quality of the shopping center.

Chairman Maks asked what the peak fueling times would be, would it be in conflict with the other businesses in the shopping center? Ms. Byeman responded that the peak time was the commute time going home.

Commissioner Voytilla asked if they had considered about perhaps extending that median so that people could not make a direct access into the facility and circulate out? Ms. Byeman answered that they had spent a lot of time with Mr. Cooper on how the layout would work for everyone involved. They had restricted some traffic movements so that it wasn't totally open; and none on the corners.

Commissioner Voytilla wanted to know what made the facility pedestrian friendly. Was there some landscaping along Scholls Ferry? Mr. Grady pointed out on a map where pedestrian traffic was, and suggested they might need a direct walkway to the store.

Commissioner Voytilla asked about the glare of the lights? Mr. Kimura thought it would not be any worse than any other facility that had the high density discharge lamps. They had done a lighting study which determined the proper foot candles for that site.

Commissioner Voytilla then asked about any pylon or free-standing signs to advertise. In response, Mr. Grady said Gramor was still working on uniform signs which would go on the



frontage, and would be a monument type low sign, 4 to 5 feet high and they were allowed 32 square feet on each side. He believed it would be illuminated.

Commissioner Voytilla's last question concerned an area northwest of the building which looked like a hardscape or patio. He wondered if they could flip it and make it more pedestrian friendly? Ms. Byeman responded they had placed the building in a position of safety for the employees inside. They needed the windows on the street side so they could see who was coming in and out.

Commissioner Voytilla asked if there was a visibility problem by moving the patio to the other side of the building, that the patio is useless space. Ms. Byeman said if it were moved up too far they would lose parking. Mr. Grady stated they felt it could possibly work; they could put benches out there.

Commissioner Heckman asked Mr. Grady if all the lighting was going to be on 25 foot poles? Mr. Grady said no, and pointed where the two 25 foot poles were placed.

Commissioner Heckman pointed out that, regarding the trees, they had first said incense and now were saying Hogan, what was the difference and were they 12 foot trees? He also wanted to know why the building had to be 21-1/2 feet tall. Mr. Grady answered they raised the parapet so it could be used as a mechanical screen and the parapet with more of a cap, to make it more aesthetically pleasing and match the center buildings.

Commissioner Heckman then asked about a picture of a typical Chevron canopy, and wanted to know about the roof. Mr. Grady responded that the roof drawings were within the Board of Design Review application. They had made design changes to bring the roof more into the character of the center.

Commissioner Heckman asked if the facility would prove to be economical without the 24 hours of operation? Were there enough studies to justify keeping the businesses open in the early morning hours? Ms. Byeman responded their studies have shown that when they were open 24 hours, whenever the customers needed them, these customers used them more during the day. Their sales did go up during the day when they were open 24 hours. A two party site which was individually owned and operated, did not have to be open 24 hours, Chevron just supplies it. However, their corporate stores, company owned and operated were required to be open 24 hours.

Commissioner Heckman asked what was the degree of service to be provided in this structure; i.e., oil changes? Ms. Byeman said there would be fueling only, no mechanical work.

Commissioner Heckman asked for clarification on the white noise buffer and asked for more bike parking. Ms. Byeman said they would check into it after opening.

Commissioner Heckman asked what hours fueling would take place and would customers be blocked? Ms. Byeman stated it could be any time during the day. There would be a 15,000 and a 20,000 gallon tank. Due to the placement of the tanks, refueling would not create a problem. She stated dealers usually preferred night deliveries.

Concerning noise, Commissioner Heckman asked if there would be bells going off when cars entered the station? The answer was none at all, there would always be an attendant available. He asked where the air and water were located? Ms. Byeman said they would be provided on site, away from traffic.

Commissioner Heckman also expressed concern about pedestrian traffic safety. In response, Mr. Grady said they had looked for potential pedestrian traffic connections and Scholls Ferry Road would be striped for a walkway.

Commissioner Wolch had some concerns, first about lighting. He thought 35 foot candles throughout sounded really high. He also wondered about how it would appear with Scholls Ferry being dark, that it would be distracting.

Mr. Grady said that the Board of Design Review had looked at photometric plans for quite a while, the type of fixtures, the number of fixtures, the wattage of the bulbs and the latest plan now coming before the board, there is no more than 1/2 foot candle power emanating from the boundaries. There would be a difference, but the computations are reliable and there has to be a certain intensity for safety and insurance purposes. They need very clear, what they call task lighting for safety. The 35 foot candle does not emanate beyond the boundaries of the canopy.

Commissioner Wolch had a hypothetical on the delivery based on Commissioner Heckman's question. He was wondering if fueling of vehicles were allowed on a 24-hour basis, but delivery was not, is that something that would work for you?

Ms. Byeman responded they would have to look into it, as they were installing the larger tanks, and the truck would be refueling behind the building.

Chairman Maks questioned the 55 decibels study. Mr. Grady answered they would conform to the DEQ standards.

Chairman Maks asked if Chevron had a graph showing how much business was transacted between 12 and 6 am. If it were 2 to 5% it would be no great problem; however, if there was 15% of the business was conducted between 12 and 6, being so close to a residential neighborhood, then there would be a problem. Ms. Byeman did not have that information.

Chairman Maks requested an estimate stating they had had the same problem with Jack-in-the-Box. Very little business was transacted during that time period, but there were delivery trucks. He also wanted to address delivery hours for the convenience store. Ms. Byeman answered it was significantly less than 10%, she did not have exact numbers, but less than 10% between the hours of 12 and 6 am.

Chairman Maks asked if they had a traffic engineer present? They did not. He then asked if any of them knew how many trips were generated out of a convenience store. It would be a high trip generator. He also was concerned about pedestrian/auto traffic. They should not be mixed excessively, except within the concept of the overall plan. He was ambivalent on the 24 hours with regard to what had been discussed. He definitely did not want a Hostess Cupcake truck backing up at 4 a.m.

Mr. Grady brought to their attention a traffic study which addressed peak hours a.m., and p.m. It was on page 2 of a June 10th letter.

Commissioner Voytilla asked how long it took for a fuel truck to drop their product? Ms. Byeman replied about 20 minutes. Commissioner Heckman commented he had seen trucks out on Murray and Allen sometimes for 45 minutes. Ms. Byeman could not respond to that statement.

**WAYNE LONG** 14711 29th Pl. NE Ste. 100, Bellevue, WA 98007 for Chevron, answered, stating that if it were a double hose they could refuel in 15 to 20 minutes. If it was a semi-truck with a single hose, it would take longer.

Commissioner Heckman asked Mr. Grady how he would enforce the condition of no deliveries to the convenience store between certain hours? Mr. Grady replied that it would be difficult for them to enforce that. It could possibly be handled through scheduling. Normally, they would not be privy to their delivery schedule unless he asked for it in advance on a monthly basis.

Commissioner Heckman stated that as overseer of the entire project, would not the ultimate responsibility fall on Mr. Grady. Chairman Maks pointed out that that was a condition on another application regarding deliveries. Mr. Grady replied that they would have to enforce it possibly through an agreement mandating that the deliveries be done in certain hours.

Commissioner Heckman asked Mr. Grady that should deliveries become an annoyance to someone, to whom would they complain first; to Chevron, to him, or code enforcement or the City of Beaverton?

Mr. Grady answered that the individual would go to the Chevron people at the station first, then it would probably get back to them. The person might also call the City of Beaverton.

Commissioner Heckman was concerned about any situation developing with one of Gramor's tenants, and not having a proper channel of resolution. Mr. Grady stated it was their goal to keep tenants happy, but they had to comply with all rules, regulations and any condition, and or plan use approvals.

Chairman Maks again questioned the percentage of trips between 12 and 6 a.m. He thought that 10% was high. Ms. Byeman stated that 10% was a number she knew they were under. She asked how Mr. Kimura arrived at his numbers. He noted that a trip is, one in and the other trip out, so the number would actually have to be divided by two.

**RECESS at 8:40 p.m.**

**RECONVENED at 8:50 p.m.**

Mr. Grady reminded the Commissioners that the canopy itself, where the pumps were, was 375 feet away from the nearest property line. Then property line to property line, they were 225 feet away. There were also differences in elevation. The median had been worked out with the City Traffic Engineer Sean Morrison. Mr. Grady also wanted to add two things, one was the actual usage from 12 to 6, and the other was regarding deliveries for the convenience store.

Mr. Long stated that the percentage of business between 12 and 6a.m. was 5% to 7%. The six hours between 12 and 6 broke down in to thirds.

Chairman Maks suggested they have bar graphs ready next time for clarity.

Ms. Byeman stated she understood the problems of deliveries to the convenience store during the 12 to 6 a. m. hours. From Chevron's standpoint, if the City were to restrict the convenience store deliveries during that time, they can live with that.

#### **PUBLIC TESTIMONY:**

**KEVIN BROSS** 15035 SW Kingbird, Beaverton, OR 97007, stated he was not happy about the proposed gas station at first. Since then, the people from Gramor and Mr. Cooper had met and talked with them on several occasions. They had addressed many of the issues, and appreciated that. He felt there were a couple of issues still outstanding. First was lighting, he stated that Chevron had worked through a number of problems and were doing a lot to make sure the lighting did not intrude on the houses to the west. Another issue was the monument signs that would be placed along Scholls Ferry Road. He was also concerned about the 24 hour issue. He stated this service station was not near a major freeway, and the 24 hour argument did not hold up. He had not seen anything from the Chevron people to support that. The issue of the refueling truck noise appeared to be a non-issue, as was the traffic backing up. His biggest concern was the noise from customers; kids coming in at 1 a.m. buying beer with stereos blasting. He stated that that was not something Chevron people could mandate. Customers would come in, doing what they want, and that was his biggest concern. Mr. Bross did not know if the City of Beaverton had the power to restrict liquor sales after midnight, or enforce curfews. He suggested that whatever hours were granted the service station, that it be for a probationary period of time, so the impact could be assessed. Then, if there were concerns from residents they could be addressed at a future time and not require a major effort to address a change in hours of operation. His final comment was that it was his understanding that Gramor was trying to get left turn access from Scholls into the western-most access route. He believed this would create a major problem. His house had a great view of what happens to traffic on Scholls Ferry Road during rush hour. He felt this was an issue. His other concern was that it was not clear to him what the pedestrian access would be for the south side of Scholls Ferry Road, because there were two apartment developments and it was not clear to him how they would be affected.

Chairman Maks responded by explaining that this was a center, doing business easily until 2 a.m. with vehicles going in and out. He also understood the concern about the customers and their noise.

Mr. Bross added that kids do tend to hang out at convenience stores. Chairman Maks answered that first kids cannot hang out, they cannot buy beer, there was a midnight curfew and it was enforced in this City. He further stated that in all fairness to Mr. Bross, the Commission supported the left turn in.

Commissioner Heckman asked if Mr. Bross was in one of the homes that was conditioned to be part of the review with the homeowners and with Gramor, regarding the screening to be

done on the properties and to provide additional screening for the entire project area? Mr. Bross answered yes. Commissioner Heckman commented that there was additional screening that would benefit Mr. Bross and may alleviate some of his concerns. There was to be a meeting between the developer and a certain number of homes in his area regarding this additional screening to be developed within their property because there could be no screening placed in the PPA corridor. Mr. Bross said he had not heard anything on that.

Mr. Cooper commented that the Hogan Cedars were a subspecies of the Western Red Cedar, a columnar tree that grew to approximately 20 feet. It was conditioned to be installed at 12 to 15 feet which was accurately represented by the applicant. He had also mentioned to some of the Commissioners during break, and the applicant may not have been aware of this, but one of the proposed conditions in the Staff Report stated they would be required to obtain, from a lighting engineer, a report that showed compliance with the lighting plan, prior to the certificate of occupancy being issued. The applicant's attorney responded that a lease agreement would be a possibility with a condition that the applicant was required to provide that evidence prior to occupancy.

Commissioner Wolch inquired about the lighting condition in the Staff Report, he had not seen it, was it in facility review? Mr. Cooper apologized and said it was in the Board of Design Review Staff Report. This application, if approved at this meeting, would go in front of the Board of Design Review at the next meeting.

Commissioner Wolch had one additional question about the potential for traffic backing out on to Scholls Ferry, and wondered if staff had had any conversations with the applicant regarding this? He had seen traffic backed out into the through lanes of the adjoining streets.

Mr. Cooper believed Sean Morrison, Transportation Planner, did take into consideration stacking and peak movements, and because there was significant access to the east of the site and to the north and west with internal access isles, this would have been accommodated. Only in a worst case scenario could this happen.

Chairman Maks closed that portion of the hearing. He randomly polled the Commissioners regarding this action.

Chairman Maks stated that were the station to be opened just from 6 to 12 a.m., this would be economically feasible as there was a community need for a gas station. He commented that he was not usually in favor of 24 hour operations. That was his main concern. He understood that this was a part of a much larger center that would be open until 2:30 a.m. with cars traveling in and about and around. He also understood the citizens' concerns about the radio and the noise, but there would be less of that convenience style store activity when in a well-lit center with a lot of pedestrian access to other businesses. In other words, a lot of pedestrian flow in a well-lit center, actually reduced that kind of activity. He was reluctantly okay with the 24 hour operation, but would like the additional condition that convenience store merchandise would not be delivered before 6 a.m. He also commented on the greater pedestrian access Commissioner Voytilla had talked about. This was an auto-oriented area and he did not want to promote pedestrians mixing with the cars. The bottom line being this was a gas station, and it was not a good idea to make a gas station very pedestrian friendly. He was in favor of the application; it

was definitely a public need. He complimented Gramor on their neighborhood outreach. He felt it met the the criteria and the fact and findings in the Staff Report.

Commissioner Heckman said he was sure the residents would be happy. He agreed that the delivery hours should be restricted and did not see that it would cause an unnecessary hardship to the running of the convenience store. Addressing the noise concerns of Mr. Bross, he understood that the code enforcement department would be increasing its staff making it double what it used to be. He also felt that if there were doors on the east for pedestrians and doors on the west for gasoline purchasers, it would address some of these concerns. He was fully supportive of it and commented it would be good for the people in the immediate area.

Commissioner Voytilla agreed that it had been a long pending need. He still had concerns and felt he had expressed them in his questioning of the applicant, one being transportation. He felt the applicant had made good effort in justifying the circulation but was not confident in its success. He commented about a similar situation in Clark County with a Texaco facility which had a road in front of their bays. He suggested the use of curbing or the median to help alternate backing up and problems with traffic coming back on to Scholls Ferry. He commented it could be a condition that could be looked at to see if something could be done. He also felt because of the lack of stations in town, that backing up on to public streets was a problem. The pedestrian issues were still concern. In the Staff Report there were objectives and criteria he was not 100% satisfied with; specifically page 15, that stated these were private streets, thus they were not going to be policed. The blind spot discussed earlier was still a problem. The fact that the facility was not just a gas station but a convenience store, (24 hour), and no attendant could see into that area, made it a harbor for something to occur. He wanted to see this area more open and appear more prohibitive. This was primarily a function of the overall design. Lastly, was the issue of the 24-hour operation. Although Chevron was looking at something like less than 10% business activity from 12 to 6 a.m., the residents, for 30% of their lives, were being inconvenienced for this 10% of business. As this was a serious concern, Commissioner Voytilla requested that documentation be provided to support their argument. In general, he agreed a gas station/convenience center was needed. He did not see a lot of difference in the elements that satisfied in the town center criteria that made this different, other than the roof and some higher parapets for signage and brick. Summarily he was in support of the need for the facility and its concept, but felt the plan could be adjusted and brought back having addressed these issues. If not, he wanted to see limitations set on the conditional use where it would be reviewed. Or within a prescribed period of time, so many days after approval, have staff review it to see if it's working, particularly the circulation issue.

Commissioner Wolch echoed many of his fellow Commissioners' statements about community need. He felt that this would lower VMT for the residents of south Beaverton. He stated the conditional use permit was in compliance with the comprehensive plan in all parts of the ordinance. He commented that the site lighting would be adequately dealt with by staff and the Board of Design Review. He was, however, concerned about lighting on Scholls Ferry Road, but this was a county issue. He felt the applicants had done a good job addressing the noise issue. The backing up of traffic was a concern, and he hoped that with a more modern design, it would be alleviated. He wasn't sure he understood what Commissioner Voytilla was proposing, but was interested in pursuing a way to make the entrance further from Scholls Ferry Road. Having expressed those concerns, he was comfortable supporting a motion to approve.

Chairman Maks had three additional concerns: conditioning the convenience store deliveries; Commissioner Voytilla's plaza location and Commissioner Voytilla's circulation issue. Regarding the plaza, the facility was supposed to be a pedestrian oriented amenity within a town center concept plan. There was the blind spot that might be a problem which could be dealt with down the line. The plaza would benefit the majority of pedestrians during the day. Regarding circulation, it still has to go to the Board of Design Review and he would ask that they look closely at this issue. With regard to the lighting, he agreed with Commissioner Wolch's concerns, but he did not think they could do anything about it.

Commissioner Heckman commented, regarding the pedestrian circulation, the only warranted pedestrians were those parking to go into the convenience store. He restated his concerns about the suggestion of east and west doors, and felt the building could be moved more northerly.

Commissioner Heckman commented that pedestrians should not be free to walk around that area. Chairman Maks suggested a security camera; Commissioner Heckman agreed that that might help. However, the Board of Design Review may have the answers to those concerns. Commissioner Heckman was also concerned about delivery hours. He felt that 6 a.m. was too early and that a limit of 7 a.m. to 10 p.m. for deliveries to the convenience store should be set. He thought that Commissioner Wolch's idea of bringing this back in a one year for a rehearing were there complaints, was a good one. Chairman Maks asked his opinion about the circulation issue; Commissioner Heckman did not think it would happen.

Commissioner Wolch responded that he had concerns regarding the circulation issue but he could talk himself out of them. Restriction on hours of operation and deliveries, should be set. The lighting was something they could do very little about, but he hoped the rest of the site would be lighted to the lower level and the gas station would be just the one high point. He appreciated the applicant's dilemma of designing an auto-oriented use facility and yet being advised to make it pedestrian friendly. He was not sure that could be done.

Commissioner Voytilla stated it was created because documents indicated they had to have it, but if there was no need, then it would become a detriment. If they were creating a space that was not a safe space, then it was not serving the public or patrons. He felt the space was not a smart use of space in daytime or night. There were other options with regard to adjacent spaces. Commissioner Voytilla suggested a condition be made or have the applicant take it back to see if they could come up with a better plan for it.

Chairman Maks asked if they wanted to get rid of the plaza? He stated most of these conditions require that they provide a certain amount of open space, but he did not know if they had to provide a certain amount of cement. He asked Mr. Cooper if there had been any previous action that stated, concerning all Gramor property, the applicant was required to have a certain percentage for pedestrian plaza.

Mr. Cooper replied there had been no specific requirements for open space in a town center sub-regional zone. There were good points made by Commissioner Voytilla with regard to just the elevation alone. Checking on Chevron's options, in the area of the bicycle rack, they could

create more landscaping and a desired diagonal path going to the east. He stated the applicant could be talked to informally, outside the hearing, about that flexibility.

Commissioner Voytilla asked if the footprint of the building could be adjusted more shallow and longer so that the plaza would be in the front of the building. Chairman Maks commented this was getting into an uncomfortable area.

Commissioner Heckman, regarding Commissioner Voytilla's comment about shifting the building, stated it could cause more trouble at the other end. He did agree with Commissioner Voytilla regarding the building size.

Chairman Maks asked for a consensus that this was an auto-oriented area, and suggested getting rid of the plaza, and replace it with landscaping or an increase in the size of the building.

Mr. Cooper asked the applicant to address these issues or allow the Board of Design Review to address them. Mr. Naemura agreed those options were valid.

Chairman Maks recommended the Board of Design Review look at circulation and flow around the pumps to ensure no back up onto arterials.

Mr. Naemura added that they not only look at the configuration, but the existence of the other features.

Chairman Maks also recommended the Board of Design Review look at the location of the plaza on the north side of the convenience store with regard to safety.

Commissioner Voytilla wanted to see it monitored by whoever was operating the store.

Commissioner Heckman commented that if the plaza had to remain, he leaned toward landscaping.

Mr. Naemura commented about employee usage and the fact that bike storage was an intended item. Chairman Maks replied that the bike racks could be placed somewhere else on the site.

Commissioner Heckman said that he had not heard any consensus regarding restriction of delivery hours. Chairman Maks asked 6 or 7 a.m.; consensus was 7 a.m. to 10 p.m.

Chairman Maks then turned the gavel over to Commissioner Heckman.

Commissioner Maks MOVED and Commissioner Wolch SECONDED a motion to approve CUP 99004, Gramor Service Station, based on the facts and findings in the Staff Report dated October 13, 1999, as amended this evening, with the following additional conditions:

Condition #5: Convenience store merchandise shall not be delivered before 7 a.m. or after 10 p.m.

Condition # 6: The pedestrian plaza on the north side shall be removed.



Also that the plaza on the North side be removed and the applicant shall substitute landscaping in its place of the type, size, and species that was being placed around the rest of the site.

The question was called and the motion CARRIED unanimously.

Heckman then returned the gavel to Chairman Maks.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to recommend to the Board of Design Review that in the case of CUP 99004 Gramor Service Station, they look at: #1) the circulation of the site and take proper measures to prohibit backing up of traffic specifically on to Scholls Ferry Road; #2), the landscaping area formerly shown as a plaza, be addressed so to prohibit the congregation of the public.

The question was called and the motion CARRIED unanimously.

### **APPROVAL OF MINUTES**

For the minutes of 9-1-99, Chairman Maks noted that Commissioner Heckman was excused. The minutes were amended as noted.

Commissioner Voytilla MOVED and Commissioner Wolch SECONDED a motion to approve the minutes of September 1, 1999 as amended.

The question was called and the motion CARRIED unanimously.

Corrections to the minutes of September 8, 1999 were made by Mr. Naemura.

Commissioner Heckman MOVED and Commissioner Voytilla SECONDED a motion to approve the September 8, 1999 minutes as corrected.

The question was called and the motion CARRIED unanimously.

Meeting **ADJOURNED** at 10:10 p.m.